

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ALCATEL USA RESOURCES, INC.,)

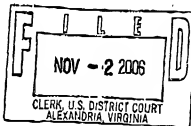
Plaintiff,)

v.)

JON W. DUDAS,)
Under Secretary of Commerce)
For Intellectual Property and)
Director of the United States)
Patent and Trademark Office,)

Defendant.)

1:06cv1089

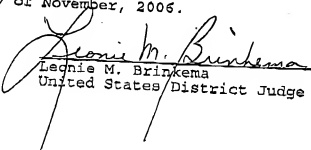


ORDER

For the reasons stated in open court, it is hereby
ORDERED that the Complaint filed by Alcatel USA Resources,
Inc. in the above-captioned civil action be and is DISMISSED
WITHOUT PREJUDICE, and Foundry Networks, Inc.'s Motion to
Intervene as Defendant in the above-captioned civil action be and
is moot and therefore DENIED WITHOUT PREJUDICE.

If the plaintiff refiles the claims involved in this
complaint, the Clerk is directed to assign that civil action to
the undersigned judge. The Clerk is also directed to forward
copies of this Order to counsel of record.

Entered this 2nd day of November, 2006.


Leonie M. Brinkema
United States District Judge

Alexandria, Virginia